

Detective Charged In Bug Device Sales Has Case Dropped

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A federal judge dismissed yesterday for lack of a speedy trial a 2-year-old indictment that charged a local private detective with illegally advertising and selling electronic eavesdropping equipment.

In effect, U.S. District Judge John Lewis Smith Jr. accepted the argument of Richard Lee Bast's attorney that the government had prejudiced Bast by asking for and receiving extensions of filing deadlines. The reasons for the extensions included new prosecutors being assigned to the case; the death of former President Johnson and a broken copying machine in the U.S. attorney's office.

Judge Smith also added that Bast had been prejudiced by the delays because of the death of a key witness and the difficulty in defending himself against charges listed in the indictment, which go back to 1970. For example, he pointed out, the company making the supposedly illegal recording device has gone out of business.

Yesterday was the second time that Judge Smith had made rulings that blocked the prosecution of Bast, and apparently ended the government's attempt to bring the case to trial.

At the time of the original indictment in February, 1972, the government said the case was the first of its kind in Washington under federal wiretap statutes passed in 1968 and the first of its kind in the United States that included the illegal advertising counts.

Prosecutors had indicated that the Bast case was seen as a test of the statute, but Judge Smith said during a short

hearing that if the government wanted to test the statute, it needed a "better vehicle. . . . This case is of no consequence."

Bast said in a telephone interview yesterday afternoon that the charges against him "should have been dismissed a long time ago. I was only indicted because I had FBI agent 'Handsome Dan' Mahan . . . under investigation."

Indeed, at a bond hearing two days after the original indictment, FBI Agent Daniel C. Mahan, who had been assigned to investigate Bast, testified that his personal life was investigated, in turn, by Bast. The government said it had pictures of Bast taking pictures of Mahan, and Bast's attorney at the time admitted that Bast had investigated the FBI agent who was investigating him.

Bast said yesterday he is still a licensed private detective, but his main business now is as president of Commodity Futures Fund, Inc.

The prosecution case against Bast was first thrown into doubt by Judge Smith in September, 1972, when he ruled at a pretrial hearing that an FBI search of Bast's office had been illegal and that anything seized in that search could not be used as evidence.

The government successfully appealed that ruling, and it was during the appeal that many of the government requests for delays occurred.

The government could appeal this latest ruling, but prosecutors said yesterday such an appeal would be unlikely.